principles which should control such decisions. Undoubtedly, some students of this branch of law will not agree with him in all his views and conclusions. No one, however, will question the fairness or the ability which characterizes his discussion throughout the volume.

The extent to which the Uniform Sales Act has modified the rules of the common law is carefully pointed out by the author. Some of these modifications are copied from the English Sale of Goods Act. For example, section five of each statute abrogates the doctrine of "potential possession" set forth in *Grantham* v. *Hawley* (Hob. 132). In England, this section was thought by the draftsman to be a mere codification of existing law. (See Chalmers, Sale of Goods Act, 5th ed., p. 19.) But in this country, it was intended to abolish the doctrine referred to, as one which was unsound in principle and pernicious in practice. It is submitted the arguments for such abolition, contained in §§ 133 to 146 of our text, are unanswerable.

But the American statute does not follow the English model throughout. In section four the redraft of the famous seventeenth section of the Statute of Frauds differs in several respects from the same section of the English Act. It rejects the rule laid down in *Lee* v. *Griffin* (1 B. & S. 272), although the draftsman declares that such "rule is absolutely logical and is the only rule that has ever been suggested for which so much can be said"; and adopts in its stead, "the Massachusetts rule, which was first laid down by Chief Justice Shaw, in *Mixer* v. *Howorth* (21 Pick. 205)." The sections relating to "conditions and warranties" differ widely from the corresponding sections of the English statute, and, if adopted, will work a radical change in the law of many of our states. Whether it was good policy to substitute for the provisions of the English Code on this topic rules which have secured recognition in but a small minority of our jurisdictions remains to be seen. The fact that this Act was not passed in any state, during the current year, may indicate that it was not good policy.

Another departure from the English statute is found in those sections which deal with "negotiable documents of title" — sections twenty-seven to forty inclusive. These were not contained in the original draft, but were added upon the request of the Commissioners on Uniform State Laws. While they do not treat documents of title as possessing the full negotiability of a bill or note, they do propose a great change, not only in the common law rule upon this topic, but in that laid down by the American Factors Acts. A very strong argument for the change thus proposed, as well as for the limits set to this change, will be found in the twelfth chapter of the text.

In commenting on the varying phraseology of the Statute of Frauds in our states, the author says (p. 82): "How far the use of the word 'void' in the statute should be held to require a difference in construction is a question upon which authority is lacking." Has he not overlooked such decisions as those in *Marie* v. *Garrison* (13 Abb. N. C. 210, 257–9); *Chamberlain* v. *Dow* (10 Mich. 319); *Grimes* v. *Van Vechten* (20 Mich. 410); *Scott* v. *Bush* (26 Mich. 418), and *Waite* v. *McKelvey* (71 Minn. 167)?

Although a few errors in proof reading have been noted (on pp. 21, 200, 746), the book appears to be unusually free from such defects, and is one which can be commended to the profession without reservations of any kind.

F. M. B.

A Treatise on the Law of Trustees in Bankruptcy, with the National Bankruptcy Act of 1898 as Amended, the General Orders and the Official Forms. By Albert S. Woodman. Boston: Little, Brown and Company. 1909. pp. xci, 1103. 8vo.

This book has the merit of segregating a portion of the law of bankruptcy, and of dealing with that portion from a single point of view in a way that has not pre-

viously been done. The author puts himself in the position of a trustee in bankruptcy and considers the proper course for such an official to pursue in the various contingencies that may arise. The author has had large practical experience in bankruptcy matters, and his treatise cannot fail to be valuable to trustees and their legal advisers. Especially on matters of practice, where it is not always easy to find statements in the decisions pointing out the proper course of procedure, his advice is helpful. As he says in his preface his aim is to furnish a safe guide for trustees, even though this may mean sometimes taking precautions not always deemed necessary; and his book in considerable measure carries out the design the author has expressed.

In some respects, however, the book is open to a criticism, to which it may be added most if not all other American treatises on bankruptcy are also open. American writers on bankruptcy act on the assumption that a satisfactory treatise on the subject can be produced, which shall be based exclusively on the decisions of courts of bankruptcy, and moreover almost wholly on American decisions under the present statute. In fact the law of bankruptcy involves as part of itself a large amount of substantive law which also finds a place under other topics, and requires for its satisfactory treatment a knowledge of these other topics. An illustration of what is meant may be taken from the book under review. The subject of what property passes to the trustee is properly included as an important chapter, and in this chapter the right of a defrauded seller to reclaim from the trustee property fraudulently acquired by the bankrupt is stated and what amounts to fraud is discussed. Such questions constantly arise in bankruptcy, and reference to them cannot be omitted from a treatise on bankruptcy; but the law of fraud has not been wholly or even chiefly settled in bankruptcy courts, and an attempt to discuss it exclusively on the basis of the decisions of Federal courts in bankruptcy matters is certain to be unsatisfactory. Thus not only is the entire discussion of the matter meagre and without reference to most of the authorities which should be cited, but the author is led on page 143 to suppose that a rule peculiar to Pennsylvania has a wider scope; and on page 146 he states that "If the bankrupt honestly, and upon reasonable grounds, believed his representations to be true, the vendor will not be permitted to rescind the sale, even though the representations were true." No authorities whatever are cited for this statement, though there are many decisions on the right to rescind an executed transaction for innocent misrepresentation, and modern authority is opposed to the author's conclusion. Other illustrations might be given of unsatisfactory discussions of matters the proper decision of which demands consideration of principles not to be found in bankruptcy statutes, orders or practice. But where the author is not compelled to go beyond these limits his book is always helpful. S. W.

FEDERAL EQUITY PRACTICE. By Thomas Atkins Street. In three volumes. Edward Thompson Company. 1909. pp. xc, 613; 614–1313; 1314–2104.

This is much more than a mere hand-book for the practitioner; it is a serious and successful treatise upon the subject, designed to state accurately and comprehensively the present state of equity procedure, and to show the changes, already made, and in process of making, at the hands of the federal bench. In form it is not unlike the usual treatises of kindred sort. The text is followed by the Supreme Court Equity Rules, the Ordinances of Lord Bacon, and the English Orders in Equity, promulgated in 1841 (an excellent addendum). There follows a set of forms copied either from actual litigations or from standard manuals, a table of cases and a voluminous index.

The text is as usual divided into sections with copious citations, and with statements of the more important cases incorporated into the body of the text in smaller type with such occasional excerpts from the opinion as are especially tell-